

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

PATRICK L. SHERMAN
ADC #96304

PLAINTIFF

V. 2:06CV000173 JTR

GREG HARMON, Warden,
East Arkansas Regional Unit, et al.

DEFENDANTS

ORDER OF DISMISSAL¹

Plaintiff, who was incarcerated at the Varner Super Max Unit of the Arkansas Department of Correction, has commenced this *pro se* § 1983 action alleging that Defendants poisoned his food, sexually assaulted him, and provided him with inadequate medical care. *See* docket entry #2.

On November 30, 2006, the Court entered an Order giving Plaintiff thirty days to file an Amended Complaint specifying how each of seven named Defendants were directly and personally involved in the alleged deprivation of Plaintiff's constitutional rights. *See* docket entry #30. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of this case, without prejudice, pursuant to Local Rule 5.5(c)(2).² *Id.* As of the date of this Order, Plaintiff has failed to comply with the Court's November 30, 2006 Order, and the time

¹ On December 27, 2006, the parties consented to proceed before a United States Magistrate Judge. *See* docket entry #36.

² Local Rule 5.5(c)(2) provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure." (Emphasis added.)

for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this case is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly comply with the Court's November 30, 2006 Order.
2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 4th day of January, 2007.



UNITED STATES MAGISTRATE JUDGE